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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,342	03/13/2001	Alan Anderson Hoover	PU010026	3707

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EXAMINER

MICHALSKI, JUSTIN I

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,342

Applicant(s)

HOOVER ET AL.

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 3,4, and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Eggers et al. (Hereinafter "Eggers") (US Patent 5,910,996).

Regarding Claim 1, Eggers discloses an audio reproduction apparatus (Figure 4), comprising: a plurality of audio amplifiers (52, 53, and 55), each being responsive to a corresponding audio signal (signals from switching circuitry 41 and mixer 54) for generating audio power in a corresponding audio speaker (speakers 40); and means for selectively applying a supply voltage to a first audio amplifier (volume select 44 to amplifier 52) of said audio amplifiers at a lower magnitude in a first mode of operation (Eggers discloses foreground and background music being interchanged, i.e. amplitude lower in background mode) (Column 2, lines 1-4), when audio power generated in a second audio amplifier of said audio amplifiers is higher (i.e. foreground level), and at a higher magnitude, in a second mode of operation, when the audio power generated in said second audio amplifier is lower (i.e. audio program is interchanged) (Column 2,

lines 1-4), in a manner to reduce a change in a total audio power generated, when a change in the mode of operation occurs.

Regarding Claim 2, Eggers further discloses comprising means for selectively enabling audio power generation in said second audio amplifier, in said first mode of operation, and for disabling the audio power generation in said second audio amplifier, in said second mode of operation (Eggers discloses either (i.e. second amplifier) to be selectively muted) (Column 2, lines 5-7).

Regarding Claim 7, Eggers discloses a method for reproducing audio (Figure 4), comprising: providing a plurality of audio amplifiers (52, 53, and 55), each being responsive to a corresponding audio signal (signals from switching circuitry 41 and mixer 54) for generating audio power in a corresponding audio speaker (speakers 40); and selectively applying a supply voltage to a first audio amplifier (volume select 44 to amplifier 52) of said audio amplifiers at a lower magnitude in a first mode of operation (Eggers discloses foreground and background music being interchanged, i.e. amplitude lower in background mode) (Column 2, lines 1-4), when audio power generated in a second audio amplifier of said audio amplifiers is higher (i.e. foreground level), and at a higher magnitude, in a second mode of operation, when the audio power generated in said second audio amplifier is lower (i.e. audio program is interchanged) (Column 2, lines 1-4), in a manner to reduce a change in a total audio power generated, when a change in the mode of operation occurs.

Regarding Claim 8, Eggers further discloses comprising steps of selectively enabling audio power generation in said second audio amplifier, in said first mode of

operation, and disabling the audio power generation in said second audio amplifier, in said second mode of operation (Eggers discloses either (i.e. second amplifier) to be selectively muted) (Column 2, lines 5-7).

Claim Rejections - 35 USC § 103

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers as applied to claim 1 above in view of Meisenheimer (US Patent 4,560,838). Egger discloses an apparatus as stated apropos of claim 1 above but does not disclose a first supply voltage and a second supply voltage for controlling the power of an audio amplifier. Eggers does disclose volume control circuitries may comprise suitable analog or digital components, which are known (Column 5, lines 41-44). Meisenheimer discloses an apparatus (Figure 1) for controlling the power of an audio amplifier (amplifier 10) using two supply voltages (Variable Voltage A and B) by using switch 46 and variable resistors 26 and 28. Meisenheimer further discloses it provides controlled switching to smoothly switch from one audio output to another (Column 1, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include two voltage supplies for applying power to a amplifier to smoothly change between audio sources as disclosed by Meisenheimer.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers as applied to claim 1 above in view of Markow et al. (US Patent 4,755,769). Markow et al. discloses a apparatus as stated apropos of claim 1 above but does not disclose both

first and second power supplies from a common power supply. Markow et al. discloses a signal processing apparatus (Figure 2) amplifiers (40) to a loudspeaker. It is known in the art that amplifiers can be powered using a common voltage source as shown in Figure 2 source VPC. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include a common voltage source for a plurality of amplifiers.

Allowable Subject Matter

5. Claims 3, 4, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM



XU MEI
PRIMARY EXAMINER